

SALT LAKE CITY HISTORIC LANDMARK COMMISSION MEETING
This meeting was held electronically without and anchor location
Thursday, July 15, 2021

A roll is being kept of all who attended the Historic Landmark Commission Meeting. The meeting was called to order approximately 5:30 PM. Audio recordings of the Historic Landmark Commission meetings are retained for a period of time. These minutes are a summary of the meeting. For complete commentary and presentation of the meeting, please visit <https://www.youtube.com/c/SLCLiveMeetings>.

Present for the Historic Landmark Commission meeting were: Vice Chairperson Michael Vela; Commissioners Babs De Lay, John Ewanowski, Adien Lillie, Kenton Peters, Victoria Petro-Eschler, and David Richardson. Chairperson Robert Hyde was excused from the meeting.

Planning Staff members present at the meeting were: Deputy Director Michaela Oktay, Planning Manager Wayne Mills, Senior City Attorney Hannah Vickery, Senior Planner Nelson Knight, Senior Planner Amy Thompson, Principal Planner Caitlyn Tubbs, Administrative Assistant Aubrey Clark.

Commissioner Kenton Peters filled in as roll of Chair due to the absence of Chairperson Robert Hyde. He read the virtual meeting finding.

APPROVAL OF JUNE 3, 2021 MEETING MINUTES

Commissioner Michael Vela made a motion to approve the minutes. Commissioner Babs De Lay seconded the motion. All commissioners voted “aye”. The motion passed.

REPORT OF THE CHAIR AND VICE CHAIR

Acting chair, Kenton Peters, said he had nothing to report.
Vice Chair, Michaela Vela, said he had nothing to report.

REPORT OF THE DIRECTOR

Deputy Director, Michaela Oktay, reported that Commissioners are needed.

PUBLIC COMMENTS

No one wished to comment.

PUBLIC HEARINGS

Commissioner Vela recused himself from the Elks item due to a conflict of interest.

Elks Block Redevelopment at approximately 139 & 151 E. South Temple, and 120 E. 1st Avenue - David Davis, of Dale Gardon Design, representing Property Reserve, Inc, has submitted applications to the city for a project centered around the former Elks Club Building located at approximately 139 E South Temple. This type of project requires demolition, new construction, special exception, and certificate of appropriateness review by the Historic Landmark Commission.

a. Demolition- of a contributing building at approximately 120 E 1st Avenue, in order to provide access to the other buildings within the project. **Case number PLNHLC2020-00915**

b. Major alterations- of the Elks Building at approximately 139 S. Temple, including alterations to the existing entrance, removal of incompatible additions to the building's exterior and construction of a new rooftop addition on the building. A special exception would also be required for an additional three feet of height for the addition. **Case number PLNHLC2020-00816 & PLNHLC2021-00672**

c. New Construction of an eight-story residential building at approximately 151 E. South Temple where an existing parking lot is located. The applicant is requesting a special exception for approximately 25 feet of additional building height on portions of this building beyond the 75 feet allowed in the R-MU zone, for a total height of approximately 99 feet. **Case number PLNHLC2020-00916 & PLNHLC2021-00673**

The properties along South Temple are zoned R-MU (Residential Mixed Use) and the homes on 1st Avenue are zoned RMF-75 (High-Density Multifamily Residential District). The properties are within the Avenues Local Historic District. The subject property is within Council District #3, represented by Chris Wharton. (Staff contact Nelson Knight at (385) 226-4493 or nelson.knight@slcgov.com).

Senior Planner Nelson Knight reviewed the petition. He stated the first item is a request for demolition and said Staff recommends the Commission approve the request. He stated Staff recommends approval with conditions for item B and C. He reviewed item A and showed the demolition standards. It does not comply with standard A and D. It complies with standard B, C and E. He reviewed Item B and stated that it would maintain several of the features that currently exist. He also reviewed the proposed changes. He reviewed item C that would be the South Temple Residential Building with a special exception proposed.

Commissioners and Staff discuss:

- The solid to void ratio and whether it meets the guidelines.
- The colors to be used.

Commissioner Peters opened the meeting to the applicant.

David Davis, applicant representative, reviewed their petition showing the proposed transformation of the site. He reviewed the proposed changes to the Elks Building including the windows and seismic updates. He brought up the front entry not being ADA accessible and being one level above the sidewalk and only accessible by stairs. He showed the proposed penthouse addition. He reviewed the proposed front entry with some of the same features but a lowered to street level entry with the berm removed. He also reviewed the proposed building materials.

Commission, Staff and the Applicant discuss:

- The materials used on the building across the street.
- The finish plan for the houses on 1st Avenue (134, 136, 138) which are currently painted brick and what the finish plans for those are.
- Whether the porches on the houses on 1st Avenue were going to be restored.

Commissioner Peters opened the meeting to Public Comment.

Cindy Cromer stated that she is against painting the brick of the parking structure.

David Amott, from Preservation Utah, addressed the tunnel of the Elks and its entryway and asked the Commission to retain the tunnel and entryway as it is.

David Davis said he would investigate other options for a breathable masonry coating.

Commissioner Peters moved into Executive Session.

Commissioner Lillie stated that she appreciated the applicants listening to feedback from the work sessions. She did state that she stands with Preservation Utah's stance on the Elks Building tunnel and entryway. She stated she would have a hard time approving the demolition and restructuring of the entryway. She does approve of the demolition of the contribution structure and the new construction of the residential building.

Commissioner Ewanowski thanked the applicant for trying to meet the Commission's suggestions. He addressed the new building being white and he feels it meets the standards for new construction in a historic district. He said he agreed with Cindy Cromer's comment of paint brick and is for the demolition of the post war bungalow.

Commissioner Petro-Eschler remarked on the bungalow house and is ok with the demolition of that structure. Her concern is on the repurposing of the tunnel, she sees it as a nod and respect for what was previously requested by the commission but feels like it lays the ground work for the imminent destruction of future projects with similar requests. She agrees with Cindy Cromer's protection of the brick of existing structures.

Commissioner Richardson does not feel the parking garage needs to be repainted. He is for the demolition of the bungalow. He is for the new construction. He said he sides with Preservation Utah on the Elks Building. He does not feel it is right to change the façade because it is a character defining feature. He does like the proposed east and west faces and approves of the additional height as long as the front entry isn't lowered.

Commissioner Peters feels the new construction proposed is good and the demolition of the bungalow is acceptable. He spoke on the tunnel and does not feel like the applicant is quite there with a solution that fits all that the Commission has asked for.

Commissioner De Lay asked what the other Commissioners top three issues with the proposal would be.

- Commissioner Ewanowski – the removal of the granite steps and walls around the central tunnel and painting the masonry
- Commissioner Peters – the proposal makes the tunnel two dimensional and that it's not quite right

Commissioner discussed how to move forward with the motions.

MOTION:

Commissioner David Richardson stated, Based on the analysis and findings listed in the staff report, the information presented, and the input received during the public hearing, I move that the Commission approve petition PLNHLC2020-00915, which is a request for a Certificate of Appropriateness for Demolition of a Contributing Building at 120 E 1st Avenue.

Commissioner Victoria Petro-Eschler seconded the motion. Commissioners De Lay, Ewanowski, Lillie, Petro-Eschler and Richardson all voted “aye”. The motion passed unanimously.

Commissioner David Richardson stated, Based on the analysis and findings listed in the staff report, the information presented, and the input received during the public hearing, I move that the Commission deny petition PLNHLC2020-00816 which is a request for a Major Alteration of the Elks Building at exactly 139 South Temple and petition PLNHLC2021-00672 which is a request for Special Exception for height to accommodate construction of a new addition. This is because the evidence has not been presented that demonstrates that the proposal complies with standard 21A.34.020 G paragraphs 2, 3, 5 and to a lesser degree 9. In particular paragraph 3 paraphrased says “alterations which seek to create a false sense of history are not allowed.” In regard to the special exception 21A-52-060 paragraph E and G to a lesser degree, E says that no destruction of significant features should be allowed while allowing for a special exception. Commissioner Lillie second the motion.

Commissioner Petro – Eschler asked if there is a way to separate elements of the special exception the petitions for alteration and height. Yes, but the motion isn't doing that. Commissioners Petro-Eschler, Ewanowski, voted “aye” to deny. Commissioner De Lay abstained. The motion to deny passed.

Deputy Director Michaela Oktay interjected that there may be ramifications to denying a Special Exception. Staff and Commission discussed the legalities and possible ramifications specifically with regard to a special exception denial and unclear code language that stipulates a one year waiting period.

The Chair discussed the intent which wasn't to put the applicant off for the year. It is to have them come back soon with changes. The Chair didn't confirm the vote due to

Commissioner Richardson's intent which isn't to put them off for a year.

Commissioner David Richardson stated, Based on the analysis and findings listed in the staff report, the information presented, and the input received during the public hearing, I move that the Commission table petition PLNHLC2021-00672, which is a request for a special exception for additional height to accommodate construction of a new addition because it is unclear how much height the Commission is approving based on the next motion. Commissioner Babs De Lay seconded the motion. Commissioners Lillie, Ewanowski, De Lay, Petro-Eschler and Richardson all voted "aye". The motion passed to table the special exception in its entirety.

Commissioner David Richardson made a motion to deny the major alterations. The Chair allowed the David Davis to ask a question and consider tabling the major alteration as was done with the special exception to give the applicant the chance to work with the commission on the elements of the Elks building. There was a discussion on which items would come back at a next meeting and the intent of the commission specifically with regards to the special exception and the COA for the Elks building.

The Chair clarified with Commissioner Richardson whether his intent was to deny the COA versus table it. Commissioner Richardson was concerned that the applicant had several opportunities to come back, he doesn't see much of a difference in process of tabling versus denial. Michaela Oktay clarified they can consider tabling the major alterations petition and the commission can cite conflicting standards that are problematic as direction to the applicant to focus on those when they return to the commission. That provides the applicant direction on the record.

Commission discussed that there was still was a motion on the table to deny the major alterations and that they should finish the vote. The commission voted unanimously to deny the motion to deny the Major alterations.

Senior Planner, Nelson Knight wanted to clarify the motion. Discussion confirmed that the entire Major alteration petition would be tabled in a future motion, that was the intent of the commission, their main issue is with the entry feature on the south facade. That the special exception was previously tabled but wanted both the COA and special exception tabled.

Commissioner David Richardson stated, motion to table petition PLNHLC2020-00816. We would like the applicant to revisit standards 21A.34.020, G, paragraphs 2, 3, 5, and 9. Commissioner Adien Lillie seconded the motion. Commissioners Richardson, Petro-Eschler, Lillie, Ewanowski and De Lay voted "aye". The motion to table passed unanimously. The petition was tabled.

Commissioner David Richardson stated, Based on the analysis and findings listed in the staff report, the information presented, and the input received during the public hearing, I

move that the Commission approve petition PLNHLC2020-00916, which is a request for a Certificate of Appropriateness for New Construction of a Principal Building at approximately 151 E South Temple, and PLNHLC2021-00673, which is a special exception for additional height for the new building, With the following conditions: 1. The front facade of the building shall be set back from the property line so it will not encroach upon the existing public right of way and to provide landscaping as shown on the building renderings. 2. The applicant will work with Planning Staff to ensure that all required landscaping standards are met in the final design. 3. The applicants will work with Planning Staff on a lighting plan with additional detail that shows the lighting will meet the intent of standards for new construction and related design guidelines; 4. A portion of the proposed balconies will project from the front wall of the building. The balconies will be at least five feet in depth to provide sufficient room for balcony use; 5. Approval of all final design details, including specific direction expressed by the Commission, shall be delegated to Planning Staff. Commissioner Babs De Lay seconded the motion. Commissioners Ewanowski, Petro-Eschler, Lillie, De Lay, and Richardson all voted “aye”. The motion passed unanimously for those two petitions.

The commission took a 5 minute break at 7:37PM.

Commissioner Vela rejoined the meeting.

Brigham Young Cemetery Fence Special Exception and Minor Alteration at approximately 140 E 1st Avenue - Emily Utt, representing the Church of Jesus Christ of Latter Day Saints, is requesting a Special Exception and associated Certificate of Appropriateness (CoA) from the City to add additional height to an existing historic fence surrounding the Brigham Young Cemetery located at the address listed above. The Brigham Young Cemetery is a Landmark Site within the Avenues Local Historic District. The fence sits on top of a retaining wall and the proposed fence and retaining wall height ranges from approximately 5 feet to 9 1/2 feet in the front, side and rear yard. This request requires a Special Exception and associated Minor Alterations because the maximum height for fences in residential districts is 4 feet in the front yard, and 6 feet in the interior side and rear yard. The project is located in the RMF-75 (High Density Multi-Family Residential) zoning district within Council District 3 represented by Chris Wharton (Staff contact: Amy Thompson at (385) 226-9001 or amy.thompson@slcgov.com). **Case numbers PLNHLC2021-00457 & PLNHLC2021-00604**

Senior Planner Amy Thompson reviewed the petition. She stated that the petition fails to meet the standards and Staff recommends denial of the request. She also mentioned that there were two public comments submitted prior to the meeting and they have been put into the commissioner’s dropbox folder.

The Commission and Staff discuss:

- Whether the reason for the petition is due to vandalism and what the stats are for that.
- If there are alternatives that Staff was able to recommend.
- Whether the applicant had considered moving the grave site.

Applicant representative, Emily Utt, Historic Preservation Specialist for the Church of Jesus Christ of Latter Day Saints, reviewed the reason for their request.

Commissioner De Lay asked for an explanation of the slide being shown.

Gregory Green, applicant representative, review the property damage that has occurred over the last eighteen months. They showed examples of other cemeteries in Salt Lake City that have security fencing as well as other properties in the same neighborhood that have fencing exceeding standard.

Eric Sabin shared the proposed design of the project.

The Commission, Staff and Applicant discuss:

- How the 1880's historic iron will be attached to the new material
- Whether the applicants felt the proposed changes would actually make a difference in security
- A motion activated security system
- The lighting
- If the taller fence will eliminate dogs entering the property

Commissioner Peters opened the meeting to public comment.

Cindy Cromer spoke on layering methods of security.

The applicant agreed that a layered method was going to be best.

Commissioner Peters opened the executive session.

Commissioners discuss:

- The site being a cultural landscape and feeling that the standards should be different than for a house
- Security fencing
- Where on the property the fencing is low
- A suggestion to table this was made

MOTION:

Commissioner Petro-Eschler stated, Based on the analysis and findings listed in the staff report, information presented, and the input received during the public hearing, I move that the Historic Landmark Commission table the request for a Special Exception for additional fence height and the associated Certificate of Appropriateness. Regarding Petition numbers PLNHLC2021-00457 & PLNHLC2021-00604. We are tabling in hopes that the applicant can find more solutions satisfactorily address issues of security and historic preservation simultaneously.

Babs De Lay seconded the motion. Commissioners Ewanowski, Richardson, Lillie, Petro-Eschler and De Lay voted "aye". Commissioner Vela voted "nay". The motion to table

passed with five “aye” and one “no”.

The Applicant asked how the Commission would suggest protecting the site. The Commission was not able to give specific suggestions but said the petition needed to meet standards set in the code.

Duran Solar Installation at approximately 740 East 3rd Avenue - Christopher Vargas, representing the property owner, is requesting a Certificate of Appropriateness from the Historic Landmark Commission to install Tesla solar shingles on the roof at the address listed above. The property is zoned SR-1A and is within Council District 3 represented by Chris Wharton. (Staff contact is Caitlyn Tubbs at 358-315-8115 or caitlyn.tubbs@slcgov.com). **Case number PLNHLC2021-00460**

Principal Planner Caitlyn Tubbs reviewed the petition. She stated since it is the first instance of solar shingles Staff decided to bring it before the Commission. She stated that the request meets minor alteration standards and that Staff recommended approval.

Commissioner Lillie stated that she is a historic preservation planner in Park City and that they have approved the requested materials in that city.

Commissioners and Staff discuss the colors that the product is offered in.

Commissioner Ewanowski asked if the roof was historic material, would this product be approved to replace it. Staff addressed that most historic roofing is not able to be replaced with like material.

Commissioner Vela asked if it will be apparent at corners that the roof is not traditional material.

The Applicant addressed the Commission said it is very hard to tell the difference.

Commissioner Peters asked for clarification on how the roof will look once the shingles are installed. The applicant stated that it will be a solid look mixing the solar shingles and dummy tiles.

Commissioner Peters opened the meeting to public comment.

Bruce Plenk commented that he is now in approval of the petition because the roof will be covered in solar shingles and dummy shingles to make a cohesive look.

Commissioner Peters opened the executive session.

The Commissioners discuss:

- The importance of discussing the details and making sure there is a cohesive look
- The subject property being a good test site

MOTION:

Commissioner Vela stated, Based on the information in the staff report, the information presented, and the input received during the public hearing, I move that the Historic Landmark Commission approve petition PLNHLC2021-00460. Commissioner Richardson seconded the motion. Commissioners Ewanowski, Vela, Richardson, Lillie, De Lay and Petro-Eschler voted “aye”. The motion passed unanimously.

The meeting adjourned at 9:27 PM